

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

SOUTHEASTERN STUD &
COMPONENTS, INC.,

Plaintiff,

v.

Case No. 7:07-CV-77 (HL)

AMERICAN EAGLE DESIGN BUILD :
STUDIOS, LLC, ARCH INSURANCE :
COMPANY, SRC CONSTRUCTION :
INC., :

and :

AMERICAN EAGLE COMMUNITIES, :
LLC, SALVATORE R. CARABETTA, :
CEI INVESTMENT CORP., MOODY :
FAMILY HOUSING LLC and SHAW :
INFRASTRUCTURE, INC., :

Defendants.

ORDER

This Court revisits its Order (Doc. 149) entered July 30, 2008, which, amongst other relief, stayed these proceedings pending arbitration. For the following reasons, the stay is rescinded and lifted, and the parties are instructed as follows:

1. On July 30, 2008, this Court entered an Order (Doc. 149) which stayed this case pending arbitration of the matter.¹ This Court has

¹ A later order, dated January 16, 2009, denied a motion to reconsider the July 2008 Order.

learned that this case has yet to be arbitrated, or even scheduled for arbitration, despite the fact that over seventeen months have passed since the Court stayed this case. The Court finds this to be unacceptable and will not allow this case to be delayed any longer. Therefore, the Court hereby rescinds and lifts the stay ordered in this case. Unless otherwise directed, the pretrial conference in this case, scheduled for February 23, 2010 in Macon, Georgia, will proceed as scheduled.

2. Each party is directed to file a report with the Court, not later than January 29, 2010, advising the Court of that party's opinion as to the posture of this case and whether that party is ready to proceed to trial at the March 2010 term of Court in Valdosta. If the party does not believe that it is ready to proceed, it must explain to this Court why it is not ready.

3. A suggestion has been made that one or more of the parties in this case may have filed a bankruptcy petition. If this is the case, each party that has filed for bankruptcy is directed to advise the Court not later than January 29, 2010 precisely as to the present status of the bankruptcy case, including, but not limited to, the district in which the case is pending, the chapter of the Bankruptcy Code under which the case is filed, the current posture of the case, and a statement as to whether that party believes that the automatic stay of the Bankruptcy Code is applicable to this case, as well as any other information that is relevant to this proceeding.

SO ORDERED, this the 22nd day of January, 2010.

s/ Hugh Lawson
HUGH LAWSON, Senior Judge

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